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**RECEIVED**  
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AT 8:30                      M  
WILLIAM T. WALSH  
CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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DEPOMED, INC.,

Plaintiff,

v.

ACTAVIS ELIZABETH LLC, et al.,

Defendants.

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C.A. No. 3:12-cv-01358 (MLC)

~~PROPOSED~~ AMENDED JUDGMENT

**WHEREAS** the Parties in this matter are Plaintiff Depomed, Inc. (“Depomed”) and Defendants Actavis Elizabeth LLC and Actavis LLC (collectively, “Actavis”);

**WHEREAS** this matter was tried before this Court from May 12, 2014 to May 20, 2014;

**WHEREAS**, this Court ~~entered~~<sup>dated</sup> its judgment on August 18, 2014 (D.I. 376) for the reasons set forth in the Opinion (D.I. 375, 383);

**WHEREAS** Actavis appealed this matter to the Federal Circuit (Depomed, Inc. v. Actavis Elizabeth LLC, No. 14-1828 (Fed. Cir., filed Sept. 16, 2014));

**WHEREAS** the Parties entered into a Settlement Agreement on April 8, 2015 to resolve this matter and the pending appeal (the "Settlement Agreement"); and

**WHEREAS** the Parties have jointly moved the Court to amend its Judgment and Opinion, and for the exceptional circumstances and good cause shown by the Parties in their Motion; (Akt. 417)

And the Court having considered all papers submitted in support of this motion; and for good cause shown

IT IS on this 20<sup>th</sup> day of July, 2015

**ORDERED** that the Judgment previously ~~entered~~<sup>dated</sup> on August 18, 2015 (D.I. 375) and the findings of fact and conclusions of law by the Court in its Opinion (D.I. 375, 383) in this matter are amended as follows:

- (1) the effective date of any Food and Drug Administration ("FDA") approval with respect to Actavis' Abbreviated New Drug Application ("ANDA") No. 203611 is vacated, whereby the effective date of FDA approval of Actavis' ANDA No. 203611 shall not be impacted by the Court's Judgment or Opinion; and
- (2) Actavis is enjoined from engaging in the commercial manufacture, use, offer for sale or sale within the United States, or importation into the United States, of its ANDA products until after expiration of the '280, '962, '927, '989, '756, '332 and '992 patents, except as provided by the Settlement Agreement; and it is further

**ORDERED** that any aspect of the Court's Judgment and Opinion are not disturbed or modified except as set forth in this Order and as provided in the parties' Settlement Agreement; and it is further

**ORDERED** that each Party shall bear its own fees and costs in connection with this litigation.

For the sake of clarity, nothing herein prohibits or is intended to prohibit Actavis from maintaining a "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) (including as amended or replaced) or pursuant to 21 C.F.R. § 314.94(a)(12) (including as amended or replaced) with respect to ANDA No. 203611.

/s/ Mary L. Cooper  
Mary L. Cooper  
United States District Judge